103rd CONGRESS
2nd Session

Printed for the use of the
Commission on Security and Cooperation in Europe

A SUMMARY OF THE CSCE SEMINAR ON EARLY WARNING

January 19–21, 1994

**A Report Prepared by the Staff of the
Commission on Security and Cooperation in Europe**

ABOUT THE ORGANIZATION (OSCE)

The Conference on Security and Cooperation in Europe, also known as the Helsinki process, traces its origin to the signing of the Helsinki Final Act in Finland on August 1, 1975, by the leaders of 33 European countries, the United States and Canada. Since then, its membership has expanded to 55, reflecting the breakup of the Soviet Union, Czechoslovakia, and Yugoslavia. (The Federal Republic of Yugoslavia, Serbia and Montenegro, has been suspended since 1992, leaving the number of countries fully participating at 54.) As of January 1, 1995, the formal name of the Helsinki process was changed to the Organization for Security and Cooperation in Europe (OSCE).

The OSCE is engaged in standard setting in fields including military security, economic and environmental cooperation, and human rights and humanitarian concerns. In addition, it undertakes a variety of preventive diplomacy initiatives designed to prevent, manage and resolve conflict within and among the participating States.

The OSCE has its main office in Vienna, Austria, where weekly meetings of permanent representatives are held. In addition, specialized seminars and meetings are convened in various locations and periodic consultations among Senior Officials, Ministers and Heads of State or Government are held.

ABOUT THE COMMISSION (CSCE)

The Commission on Security and Cooperation in Europe (CSCE), also known as the Helsinki Commission, is a U.S. Government agency created in 1976 to monitor and encourage compliance with the agreements of the OSCE.

The Commission consists of nine members from the U.S. House of Representatives, nine members from the U.S. Senate, and one member each from the Departments of State, Defense and Commerce. The positions of Chair and Co-Chair are shared by the House and Senate and rotate every two years, when a new Congress convenes. A professional staff assists the Commissioners in their work.

To fulfill its mandate, the Commission gathers and disseminates information on Helsinki-related topics both to the U.S. Congress and the public by convening hearings, issuing reports reflecting the views of the Commission and/or its staff, and providing information about the activities of the Helsinki process and events in OSCE participating States.

At the same time, the Commission contributes its views to the general formulation of U.S. policy on the OSCE and takes part in its execution, including through Member and staff participation on U.S. Delegations to OSCE meetings as well as on certain OSCE bodies. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from OSCE participating States.

A SUMMARY OF THE CSCE SEMINAR ON EARLY WARNING

BACKGROUND

From January 19–21, 1994 the CSCE participating States held a seminar under the auspices of the Office for Democratic Institutions and Human Rights (ODIHR) in Warsaw on early warning and preventive diplomacy. The mandate for the seminar had been agreed by the CSCE Council of Ministers at their 1992 Stockholm meeting.

The Warsaw seminar was divided into opening and closing plenaries, with three workshops in between: early warning methods and indicators, including CSCE institutions (e.g., the High Commissioner for National Minorities (HCNM), the ODIHR, the CPC, preventive diplomacy missions, peaceful settlements of disputes, the Chair-in-Office, the Secretary General, and newly created Permanent Committee in Vienna); review of existing early warning mechanisms (e.g., the Human Dimension Mechanism, the Mechanism for consultations on Unusual Military Activities, the Valletta Mechanism, and mechanisms for direct political action); and the role of non-governmental organizations (NGOs) in the overall context of preventive diplomacy and early warning (e.g., the NGO role in developing democratic institutions, NGOs and the CSCE, and cooperation with international organizations).

Many delegations to the early warning seminar consisted of representatives to the Vienna-based CSCE negotiations. A few delegations also included representatives of previous CSCE missions or NGOs, and had officials from capitals. The United States delegation was headed by Ambassador Robert Frowick, a retired foreign service officer who opened the CSCE spillover mission to Macedonia. He was joined by Ambassador John Kornblum from the U.S. delegation to the CSCE in Vienna; Alice Wells, a political officer at the U.S. Embassy in Dushanbe who served on the CSCE mission of long duration to Kosovo; Gregory Flynn, a public member from Georgetown University; and Paula Gutlov, a public member and the Director of the Balkans Peace Project; other members of the U.S. delegation in Vienna; and staff from the Commission on Security and Cooperation in Europe. In addition to the delegations from participating States, nine international organizations and nineteen NGOs registered to attend the meeting.

The 1992 CSCE Helsinki Document discusses early warning in several places, generally suggesting that an early warning is an indicator of tensions or situations that have the potential to develop into crises or conflict.(1) UN Secretary-General Boutros Boutros-Ghali has described preventive diplomacy as "action to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts, and to limit the spread of the latter when they occur." Although peacekeeping falls under the general rubric of conflict prevention and crisis management in the CSCE process, it was not discussed at this meeting but addressed at a seminar held at the Vienna Conflict Prevention Center (CPC) in June 1993. The decision to hold this seminar at the ODIHR, rather than at the CPC, reflected a growing if belated appreciation by the participating States of the role of human dimension issues in many of the conflicts emerging in the CSCE community.

DISCUSSIONS: CSCE EXPERIENCE CONSIDERED

The experience of the CSCE missions had previously been reviewed during a half-day session at the 1992 Helsinki Follow-up Meeting and was a topic of discussion at the 1993 Human Dimension Implementation Review Meeting. Since then, CSCE activities in this area have dramatically increased, generat-

ing a growing body of experience to evaluate. Regrettably, however, much of the discussion in Warsaw was of a fairly general nature and few delegates made detailed or concrete recommendations for areas of improvement. Nevertheless, a number of common themes appeared and the discussion certainly advanced beyond the limited review in Helsinki. It was generally agreed that the missions and mechanisms play a useful role worthy of further refinement, although little hard evidence was presented in support of this view. Along these lines, it was suggested that:

- the participating States should be prepared to supply mission members in greater numbers, as some missions have not been fully staffed or have received staff only after some delay;
- mission members could be better trained, possibly drawing on the resources of NGOs with expertise in the area of mediation, conciliation, and other forms of conflict prevention and resolution;
- the participating States must be prepared to provide greater financial resources and materiel for the missions;
- the political arms of the CSCE, particularly the Committee of Senior Officials, should be more actively engaged in following up on the recommendations of the missions and the High Commissioner for National Minorities;
- the Cold War premises which shaped approaches to conflict prevention and resolution in the past are no longer relevant; they need to be, but have yet to be, replaced by new approaches.

Many speakers emphasized that the Secretary General could play a much needed role in coordinating (and ensuring a reasonable division of labor between) simultaneous CSCE efforts to address a single situation (such as the work of the HCNM, missions of long duration, and missions initiated through the Moscow provisions of the human dimension mechanism, the Chair-in-Office, or the CSO). Others, however, suggested this role could be played by the Chair-in-Office, who has filled this need in the past. (Sweden, drawing on its own recent experience in that role, especially emphasized this point.) It was also noted that some CSCE procedures have either not been used at all or have only been used infrequently. Several reasons were suggested for this. First, some participating States may not fully appreciate the potential value that CSCE mechanisms may have in addressing cases or situations of concern to them. Second, participating States may lack the political will to address some situations.(2) In addition, delegates admitted in the corridors that some mechanisms, such as the Valletta Mechanism, may have fundamental flaws that make them undesirable tools for addressing real-life conflicts. Finally, still others commented on the bewildering complexity of the available mechanisms.

In this regard, some delegates criticized a lingering perception that the use of mechanisms constitutes a hostile or confrontational act. It was argued that the use of some mechanisms, such as the human dimension mechanism, would be enhanced if viewed as a tool of cooperation and a means to facilitate dialogue.

There was some discussion of the traditional basis for CSCE decision-making. Although some speakers argued that the consensus rule serves as a barrier to action, others contended that it is sometimes difficult to get decisions implemented even when reached by consensus, and that decisions reached without the consensus of disputing parties are even less likely to be implemented than those achieved with at least nominal agreement.

The work of the HCNM was widely praised and many speakers supported the need for confidentiality in his work. At the same time, it was suggested that there could be greater follow-up to the HCNM's work by the political arms of the CSCE, such as the CSO and the newly established Permanent Committee in Vienna. Unfortunately, delegates did not resolve the apparent difficulties present in balancing the confidentiality of the HCNM's work with the need for accountability and follow-up, leaving coordination between the HCNM and the CSCE Permanent Committee largely to his discretion.

Several delegates noted that the personalities of the persons holding crisis management positions can be decisive in their success in addressing potential or actual conflicts. As this substantive work increases—as reflected, for example, by the decision to more actively engage the ODIHR in the preparation of missions(3)—it becomes all the more important to ensure that the most qualified individuals are chosen for CSCE work.

Aside from passing mention of the Valletta Mechanism, a serious discussion of the so-called "comprehensive and coherent set of measures" for the peaceful settlement of disputes adopted by the Stockholm Ministerial in December 1992 was conspicuous by its absence.(4) That package included modifications of the Valletta Mechanism, the adoption of a standing conciliation procedure, agreement on procedures permitting the CSO to direct disputants to conciliation ("directed conciliations" or "consensus-minus-the disputants"), and the opening for signature of a convention on arbitration and conciliation. In fact, the first three elements of this package have not been used at all; the convention has been ratified by only half the twelve countries necessary for it to come into force.

THE ROLE OF NON-GOVERNMENTAL ORGANIZATIONS

The third and final workshop of the seminar was devoted to the role of NGOs in early warning and preventive diplomacy. Twenty-two speakers, including NGO representatives, national delegates, and representatives of international organizations filled the afternoon session. But in spite of the wealth of speakers, few were able to move beyond generalities. Almost everyone praised the NGOs and called on the CSCE to better utilize their expertise: as fact-finders, as "good offices" or neutral third parties, as consultants for the CSCE HCNM, and as trainers for out-going mission members. Many speakers—representatives of both NGOs and international organizations—offered descriptions of their work; a few complained of their lack of financial resources, making thinly-veiled or open pleas for CSCE or national-government support. Cautioning the CSCE not to be penny-wise and pound-foolish, a few speakers emphasized the special importance of prevention in the area of conflict management in a world of growing demands and limited resources.

One of the common chords struck by several speakers was a call for better coordination with NGOs in Vienna, where an increasing amount of CSCE decision-making takes place. Both Austrian and German delegates endorsed this idea, with Austria arguing for enhanced cooperation regarding Kosovo between NGOs and the informal Ad Hoc Group on the former Yugoslavia, and Germany suggesting that the CSCE Secretary General convene an NGO meeting to explore further avenues for enhanced cooperation.

While most speakers applauded the work of NGOs, the representatives of Croatia and Turkey had other views. Complaining that NGOs in his country do not cooperate with the government, the Croatian delegate suggested that NGOs be barred from using "underground techniques" and be subjected to guidelines or a code of conduct. The Turkish delegate, raising concerns frequently voiced by his government,

recalled the CSCE prohibitions on terrorist NGOs. He urged greater screening of NGOs along the lines followed by the United Nations and the Council of Europe, suggested that NGOs should not provide information based on media accounts or second-hand information, and argued that NGOs should not pursue issues in the CSCE context which are already being dealt with by other international organizations. Surprisingly, only one NGO representative responded directly to these proposed restrictions, saying briefly but firmly that any government controls on NGOs would be, quite simply, unacceptable.

OBSERVATIONS

Most delegates' remarks, cast in general and superficial terms, provided neither new information nor deep analysis of the CSCE's record to date. At least two exceptions, though, are worthy of mention. The key-note speech by Max van der Stoel, the current High Commission for National Minorities, provided welcome insight into how he views his role and sets his priorities. In light of his vague mandate and the limited amount of information available about his activities (given his confidentiality restrictions), many delegates eagerly received this relatively rare glimpse at the High Commissioner's modus operandi.

The statement of U.S. Ambassador John Kornblum was also generally well received. While his views were not new to many of his colleagues from Vienna, his remarks stood out as one of the few attempts in the meeting to outline a coherent vision for early warning and preventive diplomacy that rises above a piece-meal, purely reactive approach that has marked the response of many CSCE countries to the on-going and emerging crises in their region.

In the end, the early warning and preventive diplomacy seminar did not reach any watershed conclusions on the future of crisis prevention, resolution, and management in the CSCE process. It did, however, signal the CSCE community's resolve to continue to review and improve the tools at its disposal and the growing understanding of the role of human dimension issues in many of the region's conflicts. Many of the technical suggestions discussed at the meeting—such as staffing requirements for missions—are already slated for review by the newly established CSCE Permanent Committee in Vienna. Other recommendations, including the suggestion to enhance coordination between NGOs and the political bodies in Vienna, should be taken up by the CSO at future meetings.

ABOUT THE COMMISSION

The Commission on Security and Cooperation in Europe, also known as the Helsinki or CSCE Commission, is a U.S. Government agency created in 1976 by Public Law 94-304 with a mandate to monitor and encourage compliance with the Final Act of the Conference on Security and Cooperation in Europe (CSCE). The Final Act was signed in Helsinki, Finland, on August 1, 1975, by the leaders of 33 European countries, in addition to the United States and Canada. The CSCE has also added many new members, including Albania, the Baltic States, and most newly independent states in Europe and Central Asia.

The Commission consists of nine members of the U.S. House of Representatives, nine members from the U.S. Senate, and one member each from the Departments of State, Defense and Commerce. The positions of Chair and Co-Chair are shared by the House and Senate and rotate every 2 years, when a new Congress convenes. A professional staff of approximately 15 persons assists the Commissioners in their work.

The Commission carries out its mandate in a variety of ways. In particular, it gathers and disseminates information on Helsinki-related topics both to the U.S. Congress and the public and holds public hearings with expert witnesses focusing on these topics. In addition, Commission staff prepare reports on the implementation of CSCE commitments, particularly by the countries of East-Central Europe and the former Soviet Union but also on some other CSCE participating States, including the United States. Recent reports, for example, have extensively covered the elections in emerging democracies and newly independent states. The staff also prepare reports on specific CSCE meetings and efforts by the CSCE community to prevent and manage conflicts that arise in and among the participating States. The views and conclusions in these reports are those of the Commission and/or its staff.

At the same time, the Commission contributes its views in the general formulation of U.S. policy in the CSCE and takes part in its execution, including through Member and staff participation on U.S. delegations to CSCE meetings as well as on certain CSCE bodies. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from CSCE participating States. These contacts are maintained in Washington but also take the form of Commission delegations, usually with the participation of other Members of Congress, to other countries.

1. For the precise language, see the CSCE Helsinki Document 1992: The Challenges of Changes, Helsinki Decisions chapter II on *the CSCE High Commissioner on National Minorities*, para. 3, and Helsinki Decisions chapter III on *Early Warning, Conflict Prevention and Crisis Management (including Fact-Finding and Rapporteur Missions and CSCE Peacekeeping, and Peaceful Settlement of Disputes)*, para. 3.

2. Ironically, as the early warning meeting was taking place in Warsaw, representatives of the twelve European Union member states in Vienna questioned the appropriateness of using procedures agreed at the 1992 Helsinki meeting for to address repeated human rights violations in Uzbekistan.

3. Decisions of the Rome Council Meeting, 1 December 1993, section IV, para. 3.

4. The "comprehensive package," including amendments to the Valletta mechanism, were a suggested agenda item for workshop A on early warning methods and indicators, including CSCE institutions. The Valletta mechanism appeared again as a suggested agenda item for workshop B on the review of existing early warning mechanisms. Peaceful settlements of disputes tools in the CSCE process are not exactly tools of early warning or preventive diplomacy, but are considered as falling under the same general rubric of conflict prevention, resolution, and management.